

Ernest E. Badway, Esq. (EB-0105)  
Colin R. Robinson, Esq. (CR-8072)  
**SAIBER SCHLESINGER SATZ  
& GOLDSTEIN, LLC**  
44 Wall Street, 12th Floor  
New York, New York 10005  
(212) 461-2323

*Attorneys for Plaintiff Cyberlux Corporation  
and Donald F. Evans*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

CYBERLUX CORPORATION,

Plaintiff,

vs.

AJW PARTNERS, LLC, AJW OFFSHORE,  
LTD., AJW QUALIFIED PARTNERS, LLC,  
and NEW MILLENNIUM CAPITAL  
PARTNERS II, LLC,

Defendants.

DOCKET NO.: 07-cv-7808 (DAB)

Civil Action

**DECLARATION OF SERVICE**

**ERNEST EDWARD BADWAY**, of full age, hereby declares as follows:

1. I am an attorney-at-law of the State of New York, duly admitted to the United States District Court for the Southern District of New York, and a member of the law firm of Saiber Schlesinger Satz & Goldstein, LLC, attorneys for Plaintiff Cyberlux Corporation and Donald F. Evans (collectively, "Plaintiffs").

2. On October 15, 2007, I caused to be filed Plaintiffs' Notice of Cross-Motion for an Order to Stay Plaintiffs' Second-filed, Duplicative State Court Action, pursuant to 28 U.S.C. § 2283, by ECF with the Clerk of the United States District Court for the Southern District of New York, United States Courthouse, 500 Pearl Street, New York, New York 10007-1312.

3. On October 15, 2007, I also caused a copy of the above documents to be served by ECF to:

**Thomas J. Fleming, Esq.**  
Olshan Grundman Frome Rosenzweig  
& Wolosky, LLP  
Park Avenue Tower  
65 East 55<sup>th</sup> Street  
New York, New York 10022

I verify and declare under penalty of perjury, pursuant to the laws of the United States of America, that the foregoing statements made by me are true and correct to the best of my current knowledge.

/s/ Ernest E. Badway  
ERNEST E. BADWAY

Date: New York, New York  
October 15, 2007